

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

_____	)	
IN RE TRICOR INDIRECT PURCHASER	)	
ANTITRUST LITIGATION	)	C.A. No. 05-360 (KAJ)
_____	)	
	)	(consolidated)
THIS DOCUMENT RELATES TO:	)	
	)	
C.A. No. 05- 365	)	
_____	)	

**AMENDED NOTICE OF VIDEOTAPE DEPOSITION OF VISTA HEALTH PLAN, INC.  
PURSUANT TO FED. R. CIV. P. 30(b)(6) AND REQUEST FOR DOCUMENTS**

To: All Counsel on the Attached Service List

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, counsel for Defendants shall take the deposition by oral examination of Vista Health Plan, Inc. on May 31, 2006 at 8:30 a.m., at the offices of Vista Health Plan, Inc., 1340 Concord Terrace, Sunrise, FL 33323 or such other location agreed to by counsel. The deposition will be recorded by videotape as well as stenographically before a Notary Public or other officer authorized to administer oaths, and shall continue from day to day until completed, with such adjournments as to time and place as may be necessary.

NOTICE IS HEREBY GIVEN that pursuant to Fed. R. Civ. P. 30(b)(6), Vista Health Plan, Inc. is required to designate one or more appropriate persons to testify on its behalf with respect to each of the matters set forth in Exhibit A attached hereto, and the person(s) so designated shall be required to testify as to each of those matters known or reasonably available to the corporation. You are invited to attend and cross-examine. Vista Health Plan, Inc. must also produce documents respect to each of the matters set forth in Exhibit B attached hereto by May 18, 2006.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ James W. Parrett, Jr.*

---

Mary B. Graham (#2256)

James W. Parrett, Jr. (#4292)

1201 North Market Street

P.O. Box 1347

Wilmington, DE 19899

(302) 658-9200

*Attorneys for Defendant Abbott Laboratories*

OF COUNSEL:

William F. Cavanaugh, Jr.

Eugene M. Gelernter

Chad J. Peterman

Alexis Gander

PATTERSON, BELKNAP, WEBB & TYLER LLP

1133 Avenue of the Americas

New York, NY 10036-6710

(212) 336-2000

May 25, 2006

519447 v. 3

### **DEFINITIONS AND INSTRUCTIONS**

1. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

2. The terms “Your” or “Yours” means Vista Health Plan, Inc.; all parents, subsidiaries, and affiliates thereof, all divisions, predecessors, successors and assigns of each of the foregoing; and all officers, directors, employees, agents, consultants, attorneys and all other persons acting or purporting to act on behalf of, or under the control of, each of the foregoing.

3. The term “Members” means persons or entities enrolled or otherwise covered (e.g., participants and beneficiaries) under Your prescription benefit or other health, welfare or medical plan.

4. The term “TriCor®” means any pharmaceutical product marketed under the trade name “TriCor®,” at any time.

5. The term “Lofibra®” means any pharmaceutical product marketed under the trade name “Lofibra®,” at any time.

6. The term “Antara®” means any pharmaceutical product marketed under the trade name “Antara®,” at any time.

7. The term “Triglide®” means any pharmaceutical product marketed under the trade name “Triglide®,” at any time.

8. The term “Third Party Payment” means a payment of money or other valuable consideration, including reimbursements, by You or on Your behalf for prescription drug products prescribed or dispensed to Members.

9. The term “Maintained Drug Formulary” or “Maintained Drug Formularies” means the comprehensive list(s) of brand-name and generic drugs covered under Your prescription benefit or other health, welfare or medical plans.

10. The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a). A draft or non-identical copy is a separate document within the meaning of this term.

11. The relevant time frame for these topics is January 1998 to the present.

**EXHIBIT A**

You are requested to designate one or more officers, directors or managing agents, or other persons who consent to testify on Your behalf who have knowledge of the matters set forth herein.

**TOPICS**

1. Identification and authentication of Your contracts with pharmacy benefit managers, insurance companies, pharmacies or other entities, for the provision of pharmacy benefit management services or prescription drug coverage to Your Members.

2. Your policies, practices or procedures pertaining to the maintenance (including modifications thereto) of all Maintained Drug Formularies.

3. Your control over Maintained Drug Formularies.

4. The status of (1) TriCor®, (2) Lofibra®, (3) Antara® and (4) Triglide® on all Maintained Drug Formularies.

5. Your discussions, considerations of, or decisions whether to add, delete or change the status of the following drugs on any Maintained Drug Formulary: (1) TriCor®, (2) Lofibra®, (3) Antara®, and (4) Triglide®.

6. Your communications with the manufacturers or suppliers of TriCor®, Lofibra®, Antara®, and Triglide® concerning: (a) the pricing (including rebates or other incentives) for TriCor®, Lofibra®, Antara®, and Triglide® or (b) the placement of TriCor®, Lofibra®, Antara®, and Triglide® on any Maintained Drug Formulary.

7. Your communications (including, internal communications or with the manufacturers or suppliers of Lofibra®, Antara®, and Triglide®) concerning any comparisons of, or similarities or differences between TriCor®, and Lofibra®, Antara®, or Triglide®.

8. Your communications to Members regarding TriCor®, Lofibra®, Antara®, and Triglide®.

9. Your efficacy, safety or consumer preference comparisons between any version of TriCor® and any version of Lofibra®, Antara® or Triglide®.

10. Your Third Party Payments for (1) TriCor®, (2) Lofibra®, (3) Antara®, and (4) Triglide®.

**EXHIBIT B**

Defendants hereby incorporate by reference the Definitions and Instructions from Defendants' First Set of Requests for the Production of Documents and Things from the Third-Party Payer Plaintiffs.

1. Defendants hereby request the production of all documents relating or referring to the topics set forth in Exhibit A that have not already been produced in this litigation.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 25, 2006, the foregoing was caused to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered participants.

In addition, the undersigned hereby certifies that true and correct copies of the foregoing were caused to be served via electronic mail on May 25, 2006 upon the following parties:

REPRESENTING DIRECT PARTY PLAINTIFFS  
(C.A. 05-340):

Jeffrey S. Goddess  
**kgoddess@rmgglaw.com**

Bruce E. Gerstein  
**bgerstein@garwingerstein.com**

Barry S. Taus  
**btaus@garwingerstein.com**

Adam M. Steinfeld  
**asteinfeld@garwingerstein.com**

Daniel Berger  
**danberger@bm.net**

Eric L. Cramer  
**ecramer@bm.net**

Peter Kohn  
**pkohn@bm.net**

Linda P. Nussbaum  
**lnussbaum@cmht.com**

Steig D. Olson  
**solson@cmht.com**

REPRESENTING WALGREEN, ECKERD, KROGER, MAXI,  
CVS, RITE AID  
(C.A. 05-340):

Elizabeth M. McGeever  
**emmcgeever@prickett.com**

Scott E. Perwin  
**sperwin@kennynachwalter.com**

Joseph T. Lukens  
**jlukens@hangley.com**



REPRESENTING PACIFICARE  
(C.A. 05-340):

Jonathan L. Parshall  
**jonp@msllaw.com**  
William Christopher Carmody  
**bcarmody@susmangodfrey.com**  
John Turner  
**jturner@susmangodfrey.com**  
Shawn Rabin  
**srabin@susmangodfrey.com**  
Justin Nelson  
**jnelson@susmangodfrey.com**  
Cindy Tijerina  
**ctijerina@susmangodfrey.com**  
Ken Zylstra  
**kzylstra@sbclasslaw.com**  
Lyle Stamps  
**lstamps@sbclasslaw.com**  
Steve Connolly  
**sconnolly@sbclasslaw.com**  
Mark Sandman  
**mms@rawlingsandassociates.com**  
Jeffrey Swann  
**js5@rawlingsandassociates.com**

REPRESENTING INDIRECT PARTY PLAINTIFFS  
(C.A. 05-360):

Pamela S. Tikellis  
Thomas M. Sobol  
Patrick E. Cafferty  
Jeffrey L. Kodroff  
Bernard J. Persky  
Mike Gottsch  
A. Zachary Naylor  
Robert Davis  
Brian Clobes  
Michael Tarringer  
Tim Fraser  
David Nalven  
Greg Matthews  
Christopher McDonald  
Kellie Safar  
Theodore M. Lieverman  
Pat Howard  
**tricolor@chimicles.com**

REPRESENTING TEVA PHARMACEUTICALS  
(C.A. 02-1512):

Josy W. Ingersoll  
Karen E. Keller  
Bruce M. Gagala  
Christopher T. Holding  
Ken Cohen  
Elaine Blais

**tricolor@ycst.com**

REPRESENTING IMPAX LABORATORIES  
(C.A. 03-120):

Mary Matterer  
**mmatterer@morrisjames.com**

John C. Vetter  
**jvetter@kenyon.com**

Asim Bhansali  
**abhansali@kvn.com**

REPRESENTING FOURNIER  
(ALL CASES):

Frederick L. Cottrell, III  
Anne Shea Gaza  
Steven C. Sunshine  
Matthew P. Hendrickson  
Bradley J. Demuth  
Maggie DiMoscato  
Timothy C. Bickham

**tricolor@rlf.com**

*/s/ James W. Parrett, Jr.*

---

James W. Parrett, Jr. (#4292)